

NEBRASKA DEPARTMENT
OF INSURANCE

JUN 20 2001

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	FINDINGS OF FACT,
DEPARTMENT OF INSURANCE,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
PETITIONER,)	ORDER
)	
vs.)	
)	CAUSE NO.: A-1432
JUSTIN UNRAU,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 19th day of June, 2001, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance ("Director"). The Nebraska Department of Insurance ("Department") was represented by its attorney, Manuel Montelongo. Respondent Justin Unrau failed to appear. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.
2. The Department filed a Petition and Notice of Hearing on April 30, 2001, which was served upon Respondent by mailing the same to his address at 16562 Oak Street, Omaha, NE 68130 by certified mail, return receipt requested. Respondent

received the Petition and Notice of Hearing on May 2, 2001, as evidenced by the return receipt card attached to Exhibit 1.

3. In its Petition, the Department alleged Respondent represented himself to be an insurance agent licensed by the State of Nebraska Department of Insurance by forging a Nebraska insurance license, misrepresenting the validity of the forged license to an insurance agency, and soliciting insurance in Nebraska.

4. On or about March 30, 2001, the Licensing Division of the Nebraska Department of Insurance received an inquiry from GEICO Insurance Company's Licensing Division regarding Respondent's license expiration date and CE due date. At that time, the Department of Insurance Licensing staff could not locate any information in the computer system regarding Respondent.

5. Based upon this inquiry, Nebraska Department of Insurance Licensing Administrator, Beverly Creager, reviewed the Department's licensing files and determined that Respondent was not a licensed insurance agent.

6. In April 2001, Beverly Creager visited GEICO Insurance Company in Omaha, Nebraska and met with Respondent. Upon request, Respondent showed his purported Nebraska insurance agent license to Ms. Creager. A copy of said license is attached to Exhibit 2. The Hearing Officer finds that the license provided by Respondent is a forgery for the reasons that it was not issued by the State of Nebraska Department of Insurance, that it does not include the State of Nebraska seal, and that it includes a traced or photocopied signature of the Director of Insurance all of which were done with the

intent to deceive or defraud the public into believing Respondent was a licensed insurance agent.

7. Respondent knowingly provided the forged license to GEICO Insurance Company with the intent to deceive GEICO as to his licensing status.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of insurance agents pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent pursuant to Neb. Rev. Stat. §44-4003 which states that "[a]ny person not licensed as an insurance agent or broker who engages in any activity specified in (2) or (5) of section 44-4002 shall be deemed an insurance agent or broker and shall be subject to the Insurance Producers Licensing Act." Section 44-4002 (5) then refers to §44-103 (8) in which the term "agent" is defined as "... any individual, whether compensated or not, who solicits, negotiates, effects, procures, renews, continues, or binds policies or certificates of insurance covering property or risks located in Nebraska"
3. Respondent violated Neb. Rev. Stat. §44-4005 and Neb. Rev. Stat. §44-4028 (1).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent be prohibited from applying for a Nebraska insurance agent license for a period of three years (3) from the date the Director of Insurance signs this Order, pay a fine in the amount of \$500.00 prior to filing any application for an agent license after the three year period expires, and that this matter be referred to the Fraud Division of the Nebraska Department of Insurance for further review.

Dated this 19th day of June, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


HEARING OFFICER

ORDER

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance vs. Justin Unrau, Cause No.: A-1432.

Dated this 20th day of June, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent at 16562 Oak Street, Omaha, NE 68130 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid on this 20th day of June, 2001.

